

## **REMARKS**

The above amendments and the following remarks are fully and completely responsive to the Office Action dated July 25, 2005. Claims 11, 12 and 15-20 are pending in this application with claims 15 and 17 amended and claims 18-20 added by the present Amendment. In the outstanding Office Action, claim 17 was rejected under 35 U.S.C. § 102(b) and claims 11, 12, 15 and 16 were rejected under 35 U.S.C. § 103(a). No new matter has been added. Claims 11, 12 and 15-20 are presented for reconsideration.

### **35 U.S.C. §§ 102(b) and 103(a)**

Claim 17 was rejected under 35 U.S.C. § 102(b) as being anticipated by Akihiro et al. (JP 09-284200, "Akihiro"). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicant respectfully disagrees and requests reconsideration of this rejection.

Claims 11, 12, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akihiro and further in view of Hamabe et al. (U.S. Patent No. 6,731,949, "Hamabe"). In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests the claimed invention. The Office Action also asserts that one of ordinary skill in the art would combine these two references. Applicant respectfully disagrees and requests reconsideration of this rejection.

Claim 15, as amended, recites in part:

...a judging unit for judging, when the control signal is to be transmitted to the specific mobile station, whether both

of the following conditions are satisfied: (a) a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and (b) a time lapse between the immediately preceding reception and the transmission of the control signal exceeds a predetermined length; and

a controlling unit for forcing, when the judging unit judges both conditions are satisfied, the wireless base station to stop forming the array antenna pattern and to transmit the control signal by forming an omnidirectional antenna pattern, and for controlling the wireless base station so that a transmission power is lowered temporarily.

Claim 17, as amended, recites in part:

...a judging step of, when the control signal is to be transmitted to the specific mobile station, judging whether both of the following conditions are satisfied: (a) a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and (b) a time lapse between the immediately preceding reception and the transmission of the control signal exceeds a predetermined length; and

a controlling step of, when the judging unit judges both conditions are satisfied, stopping the wireless base station from forming the array antenna pattern, forcing the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern, and controlling the wireless base station so that a transmission power is lowered temporarily.

In contrast, Akihiro teaches reducing frequency interference and improving system capacity by allowing a base station to selectively control the transmission of an omnidirectional beam or a narrow beam. The base station includes a receiving means for receiving a signal from the wireless terminal and beam control means for selecting whether to transmit an omnidirectional or narrow beam based on "other party information". Examples of other party information include send-signal level of a wireless terminal, the location of the wireless terminal, the speed of the wireless terminal, the

message traffic volume of the wireless terminal and demand quality level. The Office Action admitted that Akihiro fails to specifically teach temporarily reducing the transmission power when the reception field strength of the mobile station is high. The Office Action cites Hamabe as allegedly correcting this deficiency in Akihiro.

While Hamabe may teach transmission power control operations for improving reception quality in a cellular-type mobile phone communication system and thus cure the deficiency noted by the Office Action in Akihiro, neither Akihiro nor Hamabe teach and/or suggest a controlling unit that forces the base station to transmit a control signal containing channel allocation information to a specific mobile station using an omnidirectional antenna pattern rather than an array pattern when a time lapse between the receiving unit of the base station receives the control signal requesting channel allocation information and the transmitting unit transmitting the control signal to the specific mobile station exceeds a predetermined length.

At best, Akihiro discloses relying on "other party information" in order to determine whether to perform an omnidirectional or array antenna pattern transmission. This "other party information" does not include measuring a time lapse calculated between two elements of the base station. Similarly, Hamabe is neither cited for nor discloses selecting an omnidirectional or array antenna transmission depending on the recited time lapse.

Consequently, Akihiro alone, or in combination with Hamabe, fails to teach and/or suggest the claimed invention. Specifically, these references either alone, or in combination, fail to teach and/or suggest transmitting a control signal containing channel allocation information to a specific mobile station using an omnidirectional

antenna pattern rather than an array antenna pattern when a time lapse between the receiving unit of the base station receives the control signal requesting channel allocation information and the transmitting unit transmitting the control signal to the specific mobile station exceeds a predetermined length. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. § 102(b) and the rejection of claims 11, 12, 15 and 16 under 35 U.S.C. § 103(a).

### **New Claims**

New claims 18-20 have been added to further claim Applicant's invention. Claims 18-20 are allowable for at least the same reasons discussed above for claims 11, 12 and 15-17. Accordingly, Applicant respectfully requests consideration of new claims 18-20.

### **Conclusion**

Applicant's amendments and remarks have overcome the rejections set forth in the Office Action dated July 25, 2005. Specifically, Applicant's remarks have distinguished claim 17 from Akihiro and thus overcome the rejection of this claim under 35 U.S.C. § 102(b). Applicant's remarks have also distinguished claims 11, 12, 15 and 16 from the combination of Akihiro and Hamabe and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicant's remarks have also distinguished new claims 18-20 from the cited prior art. Accordingly, claims 11, 12 and 15-20 are in

condition for allowance. Therefore, Applicant respectfully requests consideration and allowance of claims 11, 12 and 15-20.

Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 101201-00009.

Respectfully submitted,  
ARENT FOX PLLC



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Rustan J. Hill  
Attorney for Applicant  
Registration No. 37,351

Customer No. 004372  
ARENT FOX PLLC  
1050 Connecticut Avenue, N.W.,  
Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

RJH/elz:elp  
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